

Message Text

UNCLASSIFIED

PAGE 01 GENEVA 07037 01 OF 02 091048Z
ACTION OES-07

INFO OCT-01 AF-10 ARA-14 EA-12 EUR-12 NEA-11 IO-14
ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DLOS-09 DODE-00 DOTE-00 EB-08
EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00 H-02 INR-10
INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OMB-01
PA-02 PM-05 SP-02 SS-15 ICA-20 OIC-02 /214 W
-----049561 091101Z /20

R 090907Z MAY 78
FM USMISSION GENEVA
TO SECSTATE WASHDC 9377
INFO AMEMBASSY CANBERRA
AMEMBASSY PORT MORESBY
AMEMBASSY WELLINGTON

UNCLAS SECTION 01 OF 02 GENEVA 07037

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS TREATY FINAL CLAUSES - OCEANIA VIEWS

1. THE FOLLOWING IS THE TEXT OF A LETTER, DATED MAY 6, 1976 FROM THE DELEGATIONS OF FIJI, NEW ZEALAND, TONGA, THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND SAMOA (ISSUED AS A/CONF.62/64, 3 MAY 1978). THIS FORMED THE BASIS OF THE INTERVENTION BY THE DELEGATE OF NEW ZEALAND IN THE PLENARY DEBATE ON FINAL CLAUSES, MAY 5, 1978.

QUOTE: "IN THE COURSE OF THE PRESENT SESSION OF THE CONFERENCE, A NUMBER OF COUNTRIES AND TERRITORIES OF THE PACIFIC REGION, ON WHOSE BEHALF THIS LETTER IS SIGNED, HAVE CONSULTED TOGETHER ABOUT THE SCOPE OF THE FINAL CLAUSES OF THE CONVENTION.

"YOU WILL RECALL THAT IN CARACAS THE CONFERENCE RECOGNIZED THAT CERTAIN TERRITORIES, WHILE NOT YET UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 07037 01 OF 02 091048Z

INDEPENDENT, HAD SUCH A SUBSTANTIAL MEASURE OF SELF-GOVERNMENT AS TO ENTITLE THEM TO SEPARATE REPRESENTATION AS OBSERVERS AT THE CONFERENCE. IN PARAGRAPH 3 OF RESOLUTION 3334 (XXIX), THE GENERAL ASSEMBLY REQUESTED THE SECRETARY-GENERAL TO INVITE CERTAIN NAMED TERRITORIES TO PARTICIPATE AS OBSERVERS IN ANY FUTURE SESSION OF THE CONFERENCE. SUBSEQUENTLY, THERE WAS A FURTHER

RECOGNITION OF THE SPECIAL STATUS OF TERRITORIES
NAMED IN PARAGRAPH 3 OF RESOLUTION 3334 (XXIX) IN
ARTICLE 13 OF PART IV OF THE SINGLE NEGOTIATING TEXT
ISSUED TO THE CONFERENCE BY ITS PRESIDENT (A/CONF.62/WP.9).

"ACCESS TO DISPUTE SETTLEMENT PROCEDURES AS CONTEM-
PLATED BY ARTICLE 13 OF PART IV OF THE SINGLE NEGOTIATING
TEXT WOULD BE OF CONSIDERABLE BENEFIT TO THESE TERRI-
TORIES. IT WILL NOT, HOWEVER, BE POSSIBLE TO SECURE
FULL PROTECTION FOR THE RIGHTS ACCORDED THEM BY THE NEW
CONVENTION, INCLUDING THE RIGHTS REFERRED TO IN ARTICLE
136 OF PART II OF THE SINGLE NEGOTIATING TEXT, UNLESS
THEY ARE ACCORDED THE STATUS OF CONTRACTING PARTIES.
LIKewise, THERE CANNOT BE FULL ASSURANCE THAT THE OBLIGA-
TIONS OF THE NEW CONVENTION WILL BE ADEQUATELY MET BY
THESE TERRITORIES WITHOUT SUCH STATUS.

"THERE ARE, OF COURSE, PRECEDENTS FOR THE ADHERENCE
TO INTERNATIONAL AGREEMENTS OF TERRITORIES WHICH HAVE
NOT ACHIEVED FULL STATEHOOD.

"TWO OF THE TERRITORIES NAMED IN PARAGRAPH 3 OF
RESOLUTION 3334 (XXIX) - PAPUA NEW GUINEA AND SURINAM -
HAVE NOW BECOME INDEPENDENT AND WILL BE ABLE TO ADHERE
TO THE CONVENTION AS MEMBER STATES OF THE UNITED NATIONS.
THE DELEGATIONS WHO HAVE SIGNED THIS LETTER INTEND AT
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 07037 01 OF 02 091048Z

THE APPROPRIATE TIME TO PROPOSE THAT THE FINAL CLAUSES
OF THE CONVENTION MAKE PROVISION FOR THE ADHERENCE TO
THE CONVENTION BY THE REMAINING TERRITORIES LISTED IN
PARAGRAPH 3 OF RESOLUTION 3334 (XXIX).

"IT MAY BE - ESPECIALLY IN THE LIGHT OF THE SUGGESTION
THAT YOU MADE IN THE GENERAL COMMITTEE THIS AFTERNOON -
THAT THIS ISSUE WILL BE ADDRESSED IN THE RELATIVELY
NEAR FUTURE. BECAUSE OF THE IMPORTANCE IT HAS FOR
TERRITORIES IN THE PACIFIC REGION, WE HAVE THOUGHT IT
DESIRABLE TO GIVE YOU ADVANCE NOTICE OF OUR INTENTIONS.

"THE DELEGATION OF NAURU, ALTHOUGH NOT A SIGNATORY
OF THIS LETTER, WISHES TO BE ASSOCIATED WITH THE VIEWS
EXPRESSED IN IT." END OF QUOTE.

2. THE FOLLOWING IS THE TEXT OF THE STATEMENT, MADE
IMMEDIATELY AFTER THE NEW ZEALAND INTERVENTION BY THE
REPRESENTATIVE OF THE TRUST TERRITORY OF THE PACIFIC
ISLANDS:

QUOTE: MR. PRESIDENT,
THE DELEGATION OF THE TRUST TERRITORY OF THE PACIFIC
ISLANDS SUPPORTS MOST ENERGETICALLY THE PROPOSAL OF NEW
ZEALAND AND OF THE MAY 6, 1976 LETTER SIGNED BY FIVE
OCEANIA STATES.

LET ME BRIEFLY MAKE TWO POINTS TO EXPLAIN WHY BOTH
THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND THE
COMMUNITY OF NATIONS REQUIRE SUCH A CONTRACTING PARTY
STATUS FOR THE TERRITORIES NAMED IN PARAGRAPH 3 OF
GENERAL ASSEMBLY RESOLUTION 3334.

1. FOR THE TRUST TERRITORY, THE NEED IS TO HAVE

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 GENEVA 07037 02 OF 02 091052Z
ACTION OES-07

INFO OCT-01 AF-10 ARA-14 EA-12 EUR-12 NEA-11 IO-14
ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DLOS-09 DODE-00 DOTE-00 EB-08
EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00 H-02 INR-10
INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OMB-01
PA-02 PM-05 SP-02 SS-15 ICA-20 OIC-02 /214 W
-----049594 091106Z /20

R 090907Z MAY 78
FM USMISSION GENEVA
TO SECSTATE WASHDC 9378
INFO AMEMBASSY CANBERRA
AMEMBASSY PORT MORESBY
AMEMBASSY WELLINGTON

UNCLAS SECTION 02 OF 02 GENEVA 07037

THE BENEFITS OF THE CONVENTION, WHICH CAN BE OBTAINED
FOR US IN NO OTHER WAY. THIS IS SO WHETHER THE SUBJECT
IS RIGHTS AND PRIVILEGES AS A DEVELOPING COUNTRY IN
THE COMMON HERITAGE OF MANKIND, OR TECHNOLOGY TRANSFER,
OR THE PROTECTIONS FOR US OF THE DISPUTE SETTLEMENT
PROCEDURES TO WHICH THE DISTINGUISHED REPRESENTATIVE OF
NEW ZEALAND REFERRED.

2. FOR THE COMMUNITY OF NATIONS, THE NEED IS
ASSURANCE THAT THE CONVENTION WITH ALL ITS OBLIGATIONS
AND DISCIPLINES APPLIES IN MICRONESIAN MARITIME SPACE.
THE LEGAL COMPETENCE FOR THE MARINE RESOURCES IN THAT

SPACE IS PURELY MICRONESIAN. A TWO HUNDRED MILE FISHERY ZONE JURISDICTION ACT WAS ENACTED BY THE CONGRESS OF MICRONESIA IN OCTOBER 1977 AND IS NOW IN EFFECT. THE DRAFTING OF AN EXCLUSIVE ECONOMIC ZONE ACT IS IN PROGRESS. NO OTHER NATION'S LAW APPLIES TO OUR EXISTING 200 MILE FISHERY JURISDICTION. PARTICIPATION BY OUR DELEGATION AT THIS CONFERENCE HAS RESULTED IN UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 07037 02 OF 02 091052Z

THE EXISTING 200 MILE LAW BEING IN STRICT CONFORMITY WITH THE ICNT, AND IN OUR ECONOMIC ZONE LEGISLATION BEING DRAFTED IN EQUAL CONFORMITY.

THE OBLIGATIONS OF MICRONESIA UNDER THIS CONVENTION CAN BE ASSURED LEGALLY BY ITS BEING A CONTRACTING PARTY. AS THE DISTINGUISHED REPRESENTATIVE OF NEW ZEALAND REMARKED WITH RESPECT TO THE COOK ISLANDS AND NIUE, AND FOR SIMILAR REASONS, THOSE OBLIGATIONS CANNOT BE OTHERWISE ADEQUATELY ASSURED.

TO CONCLUDE, MR. PRESIDENT, IN OUR EXPERIENCE, CONTRACTING PARTY STATUS IS ESSENTIAL FOR US TO BE ABLE ADEQUATELY TO CONTROL AND EXPLOIT OUR OWN RESOURCES. WE BELIEVE IT IS EQUALLY ESSENTIAL FOR THE COMMUNITY OF NATIONS THAT THE TRUST TERRITORY ADHERE TO THE CONVENTION IN ITS OWN NAME AND RIGHT. WE ARE PREPARED TO COOPERATE IN THE DRAFTING OF SUITABLE WORDING TO THAT EFFECT IN THE FINAL CLAUSES, WITH THE DRAFTING COMMITTEE, OR WITH ANY SUITABLE PARTY. THANK YOU. END OF QUOTE. RICHARDSON

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA07037
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780196-0048
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780580/aaaacpww.tel
Line Count: 204
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a39e2aa2-c288-dd11-92da-001cc4696bcc
Office: ACTION OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2754930
Secure: OPEN
Status: NATIVE
Subject: LOS TREATY FINAL CLAUSES - OCEANIA VIEWS
TAGS: PLOS, FJ, NZ, XP
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a39e2aa2-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014